

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEBRASKA  
2009 MAR 17 PM 2:19

UNITED STATES OF AMERICA,

)

OFFICE OF THE CLERK

Plaintiff,

)

4:09CR3027

v.

)

CROSSROADS COOPERATIVE  
ASSOCIATION,

)

PLEA AGREEMENT

Defendant.

)

Pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, Plaintiff, the United States of America, by and through its counsel of record, JOE W. STECHER, United States Attorney, and ALAN L. EVERETT, Assistant United States Attorney, and the Defendant, CROSSROADS COOPERATIVE ASSOCIATION, (CROSSROADS), by its attorneys, hereby agree as follows:

1. CROSSROADS will waive indictment and plead guilty to the Information appended hereto as "Exhibit A". The information charges CROSSROADS with violating Title 29, United States Code, §666(e). CROSSROADS acknowledges that upon conviction the Court may impose a fine of not more than Five Hundred Thousand dollars pursuant to Title 18, United States Code, §3571(c)(4). CROSSROADS further acknowledges that it will be subject to a mandatory special assessment in the amount of Fifty dollars, as required by Title 18, United States Code, §3013.

2. Upon entry of a Judgment of Conviction and the payment of the criminal fine set forth in Paragraph 2 above of this Agreement, the United States Attorney's Office for the

District of Nebraska agrees that it will not prosecute CROSSROADS, or any of its current or former directors, officers, employees or agents for any offenses which were the subject of the investigation conducted by the United States Attorney for the District of Nebraska, including the conduct set forth in the Information.

3. Subject to the Court's approval of this Plea Agreement, within thirty (30) days of the entry of the guilty plea, CROSSROADS will pay a total criminal fine of One Hundred Thousand dollars (\$100,000). CROSSROADS also agrees to pay the special assessment of Fifty dollars to the Clerk of the United States District Court on or before the date of the arraignment on the charge set forth in Paragraph 1, above.

4. The parties agree that the sentence will also include a two year period of probation. One of the conditions of probation will require CROSSROADS to comply with all applicable OSHA regulations and to allow OSHA representatives to enter all CROSSROADS work sites and inspect without assertion of its 4th Amendment rights. Another condition of probation will require CROSSROADS to comply with all provisions of a separate administrative / civil agreement in a related matter entered into between CROSSROADS and the United States Department of Labor, including but not limited to the payment of any fines or monetary penalties agreed to in that matter.

5. It is agreed that if the Court refuses to accept any provision of this Plea Agreement, neither party shall be bound by any of its provisions, the United States may seek to dismiss the Information without prejudice and CROSSROADS will not object to such dismissal, CROSSROADS may withdraw its plea of guilty if such plea has been entered, and

no statement in this Plea Agreement or its attachments will be admissible against either party in any proceedings.

6. The parties agree that no appeal will be taken by either CROSSROADS or the United States of any issue relating to settlement discussions, the settlement process, entry of the guilty plea or the sentence, provided that the Court accepts the plea of guilty and sentences the corporation in accordance with this Plea Agreement.

7. No additional promises, agreements or conditions other than those referenced in this Plea Agreement have been entered into, and none will be entered unless in writing and signed by all parties.

DATED this 17 day of March, 2009.

UNITED STATES OF AMERICA

JOE W. STECHER  
United States Attorney, D.N.E.

By: /s Alan L. Everett  
ALAN L. EVERETT #15387  
Assistant United States Attorney

CROSSROADS COOPERATIVE  
ASSOCIATION,

By: David Jarecke

And: D. Jarecke  
DAVID JARECKE,  
Attorney for CROSSROADS